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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,489

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Kenneth Aubrey

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EXAMINER

SHAPIRO, JEFFERY A

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

12/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,489	Applicant(s) AUBREY ET AL.	
	Examiner JEFFREY A. SHAPIRO	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washington et al (US 2004/0188920 A1) in view of Fisher, Jr. et al (US 4,604,706).

Regarding Claims 1 and 12, Washington discloses a money operated machine (10) with removable money cassette (334) having a rechargeable and removable battery (336), as mentioned at paragraph (226). Note that Washington's machine (10) is operated with voltage power.

Regarding Claims 1 and 12, Washington does not expressly disclose, but Fisher discloses a rechargeable, removable voltage source that powers an entire device as mentioned at col. 4, line 58-col. 5, line 11.

At the time of the invention, it would have been obvious to have used a rechargeable, removable battery, as taught by Fisher, in Washington's money operated device (10) for the purpose of maintaining operation remotely where there is no direct link to a power grid.

Regarding Claim 2, note that Washington's cassette is capable of being recharged as mentioned at paragraph 218.

Regarding Claims 3, 13 and 14, note that Washington's cassette is capable of being held in a transportation frame arranged in a transportation vehicle that includes a charging station.

Regarding Claims 4, 9 and 15, note that Washington's cassette is capable of being held in a storage frame having a charging station and located at a cashbox emptying location or at a charging location.

4. Claims 5, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washington et al (US 2004/0188920 A1) in view of Fisher, Jr. et al (US 4,604,706) and further in view of Heatly (US 2005/0158616 A1).

Washington discloses the apparatus as described above.

Washington does not expressly disclose, but Heatly discloses a display (225) which indicates/displays a charge state of the voltage source, as mentioned at paragraph 33.

At the time of the invention, it would have been obvious to have incorporated a charge indicating display, as taught by Heatly, in Washington's cassette in money operated device (10) for the purpose of indicating when the battery in Washington's cassette is low on power and requires recharging.

5. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washington et al (US 2004/0188920 A1) in view of Fisher, Jr. et al (US 4,604,706) and further in view of Cassidy et al (US 5,615,625).

Washington discloses the system as described above.

Regarding Claims 6 and 10, Washington does not expressly disclose, but Cassidy discloses a recharging/docking station (12) which is disclosed as capable of being located "anywhere", as mentioned at col. 2, lines 30-40.

Note also that Cassidy further discloses a money cassette (20) having a rechargeable voltage source as mentioned at col. 4, lines 59-64 and col. 3, lines 32-40, with a voltage source for recharging the battery mentioned as element (92).

At the time of the invention, it would have been obvious to have recharged Washington's battery, as taught by Cassidy, for the purpose of recharging Washington's battery located in the cassette (334).

6. Claims 8, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washington et al (US 2004/0188920 A1) in view of Fisher, Jr. et al (US 4,604,706) and further in view of Grainger et al (US 5,732,812).

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Regarding Claims 8, 11 and 17, Washington discloses the system as described above.

Regarding Claim 8, 11 and 17, Washington does not expressly disclose, but Grainger discloses a money operated machine (10) in the form of a parking meter with removable money cassette (27).

At the time of the invention, it would have been obvious to have incorporated Washington's money operated machine as a parking meter using cassette (334) with battery (336), as taught by Grainger, since the term "money operated machine" is a broad term that encompasses a parking meter and one ordinarily skilled in the art would have recognized that Washington's cassette is equally usable in a parking meter as well as an ATM for the purpose of handling banknotes in a parking meter type money operated device.

Response to Arguments

7. Applicant's arguments with respect to claims 1-6 and 8-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gorgone '583 is cited as an example of a money operated device, i.e., a banknote validator in which the cassette (38) has a battery (46) and a display (70).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY A. SHAPIRO whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Shapiro/
Primary Examiner, Art Unit 3653

December 16, 2009